IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO. 1671 of 2003
Date of decision. January 18,2007

Jagrup Singh .....Petitioner

Versus

Dharam Singh .....Respondent

CORAM **HON'BLE MR. JUSTICE VINEY MITTAL**

PRESENT Mr. Ashit Verma,Advocate
appellant.
Mr. P. K. Garg, Advocate
for respondent .

VINEY MITTAL , J(Oral)

The defendant has lost concurrently before the two Courts below in a suit filed by the plaintiff. He is in second appeal.

A suit for declaration was filed by the plaintiff Dharam Singh claiming that decree dated April 12, 1994 obtained by Jagrup Singh against Kalla Singh was exparte and had been obtained without any due service and was a result of fraud and mis-representation. It was also claimed that in the aforesaid decree certain persons who were dead had been impleaded as parties and got the service effected upon the dead persons. Both the Courts below found it as a matter of fact that the decree dated April 12, 1994 obtained by Jagrup Singh was null and void in as much as the same had been passed without effecting due service upon Kalla Singh, predecessors-in-interest of plaintiff Dharam Singh and further that the said decree has been obtained by Jagrup Singh on the basis of fraud.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to law.

No question of law, much less, any substantial question of law arises in the present appeal.

Dismissed.

January 18, 2007 **(VINEY MITTAL)**
mamta **JUDGE**